

FEB 07 2013

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

GARY HENSON,	)	CASE NO. 7:13CV00002
	)	
Petitioner,	)	
v.	)	FINAL ORDER
	)	
WARDEN OF THE WALLENS RIDGE	)	
STATE PRISON,	)	By: James C. Turk
	)	Senior United States District Judge
Respondent.	)	

In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

that this petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED** as untimely filed, and this action is stricken from the active docket of the court.

Further, finding that petitioner has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

ENTER: This 7<sup>th</sup> day of February, 2013.

  
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Senior United States District Judge